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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,954	11/21/2000	Andreas Junghans	Beiersdorf 681-KGB 6713-D	1645
7590 04/09/2004			EXAMINER AHMAD, NASSER	
Kurt G. Briscoe, Esq. Norris McLaughlin & Marcus, P.A. 30th Floor 220 East 42nd Street New York, NY 10017			ART UNIT 1772	
DATE MAILED: 04/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/717,954

Applicant(s)

JUNGHANS ET AL.

Examiner

Nasser Ahmad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/22/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-24 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Rejections Withdrawn***

1. Claims 1-24 are rejected under 35U.S.C. 1039a0 as being unpatentable over Luhmann in view of Riley, mailed on November 6, 2002 in view of amendment filed on December 22, 2003.

2. Claims 1-11 and new claims 12-24 are rejected under 35 U.S.C. 112, second paragraph, mailed on April 5, 2002 in view of amendment filed on December 22, 2003.

3. Claims 1-2, 5-7 and 9-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Luhmann, mailed on April 5, 2002 in view of amendment filed on December 22, 2003.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Luhmann (5,491,012).

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Luhmann relates to a method of packaging at least one adhesive sheet comprising providing at least one adhesive sheet and enclosing said sheet in a pack, wherein the pack is UV-impermeable and comprises a sheet covering a region of the adhesive composition. The adhesive is releasable by stretching and is based on elastomeric pressure sensitive adhesive composition. See abstract and col.2, lines 6-10).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-6, 9-14 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kreckel (5,516,581) in view of Koreska (GB: 2,010,699).

Kreckel relates to a combination (figure-2) comprising at least one adhesive sheet (32) comprising a top adhesive face (34), a bottom adhesive face (36) and four sides, and a release liner (38, 40) is applied to at least each of said faces. Figure-2 shows that the release liner covers the entire adhesive area of each face. One of said adhesive face includes pressure sensitive adhesive based on elastomer resin, such as styrene-based, and the adhesive sheet can be release from a substrate by stretching in the direction of the bond plane. However, Kreckel fails to teach that the release liner is UV-impermeable. Koreska discloses a carrier for adhesive tapes (abstract) having silicone release coating thereon and the carrier includes the usual protective agents against ultraviolet rays, aging, oxidation, etc. (page-1, lines 55-65). The polyethylene sheet or

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other material disclosed in Koreska can be transparent and may contain pigments for coloring purpose. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Koreska's teaching of using UV-impermeable agents in the release liner into the invention of Kreckel with the motivation to protect the adhesive from degradation due to exposure to UV-rays.

9. Claims 2 and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kreckel in view of Koreska.

Kreckel and Koreska, as discussed above, fails to teach that the UV-impermeability provides for transmission of electromagnetic radiation is below 2% in the wavelength range of 240-280nm, below 1% in the range of 280-320 nm, below 55 in the range of 320-360 nm, or below 80% in the range of 360-420 nm. It would have been obvious to one having ordinary skill in the art to optimize the UV-impermeability to levels as claimed for protecting against degradation of the adhesive sheet.

#### ***Allowable Subject Matter***

10. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art uncovered so far fails to teach an outer package or an individual package as recited in claim 1, sections (ii) and (iii).

#### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

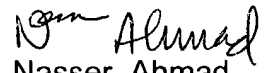
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nasser Ahmad  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
April 2, 2004.